

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY C. KEY,

Defendant.

8:08CR327

ORDER

Defendant Anthony C. Key appeared before the court on May 24, 2017 on an Amended Petition for Warrant or Summons for Offender Under Supervision [86]. The defendant was represented by Federal Public Defender David R. Stickman, and the United States was represented by Assistant U.S. Attorney Susan T. Lehr. Through his counsel, the defendant requested a combined Preliminary and Detention Hearing to be set for June 7, 2017.

A hearing was held on June 7, 2017, at which time the defendant waived his right to a probable cause hearing on the Report pursuant to Fed. R. Crim. P. 32.1(a)(1). The government moved for detention. A detention hearing was held. Through counsel, the defendant requested the opportunity to attend inpatient treatment at such time as an acceptable treatment center and bed become available. The government did not oppose the release plan proposed by the defendant. Since it is the defendant's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a danger to the community nor a flight risk, the court finds the defendant has failed to carry his burden and that he should be detained until such time as a treatment center and bed become available. Upon notification from the Probation Officer that an inpatient treatment center and bed are available, the defendant shall be released from the custody of the U.S. Marshal to attend treatment.

I find that the Report alleges probable cause and that the defendant should be held to answer for a final dispositional hearing before Chief Judge Smith Camp.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on July 20, 2017 at 11:30 a.m. Defendant must be present in person.

2. The defendant, Anthony C. Key, is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility until such time as the defendant is released to attend treatment.;

3. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

5. Upon notification from the U.S. Probation Officer that an inpatient treatment facility and bed have become available, the defendant is to be released on current conditions of supervision to the inpatient treatment center.

Dated this 7th day of June, 2017.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge